

REMARKS

Claims 1-108 are pending. By this amendment, claim 52 has been amended and new claims 109-117 have been added. Support for new claims 109-117 includes at least FIGS. 1-7 and the specification at paragraph 37. Reconsideration in view of the above amendment and following remarks is respectfully requested.

Claims 52-76 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejection is respectfully traversed.

Figures 4A and 6A both show the back end of the second seat sections 350" and 550" extending behind a rearward most portions 314" and 315" of the frame 314 and 514. Distance M is measured horizontally from the back end 314" and 514" of the frame 314 and 514 of the snowmobile to the back end of the second seat sections 350" and 550". As can be seen in Figures 4A and 6A and as is also shown numerically in Figure 8, the distance M for the snowmobiles shown in Figures 4A and 6A is greater than zero, indicating that the rear end of the seat extends behind the back end of the frame.

Figures 4A and 6A further show second seat positions 354 and 556 disposed behind a rearward-most portion of the frame 314 and 514. Distance N is measured horizontally from the back end 314" and 514" of the frame 314 and 514 of the snowmobile to the rear-most seat position. As can be seen in Figures 4A and 6A and is also shown in Figure 8, the distance N for the snowmobiles shown in Figures 4A and 6A is greater than zero, indicating that rear-most seat position is behind the rearward-most portion of the frame.

In view of the foregoing, therefore, Applicants respectfully submit that the subject matter of claims 52-76 is described in a manner that would enable one skilled in the art to

make and/or use the invention. Accordingly, reconsideration and withdrawal of the rejection of claims 52-76 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 52-66 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed. Claim 52 has been amended to provide antecedent basis for “the tunnel.” Accordingly, reconsideration and withdrawal of the rejection of claims 52-66 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-21, 24, 26-47, 50, 77-108 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants’ Admitted Prior Art, hereafter AAPA, in view of Yoshioka et al. (U.S. Pat. No. 5,474,146). The rejection is respectfully traversed.

Claims 1, 26, 77, 92, and 100 recite, among other limitations, a first seat position disposed less than 590 mm behind the forward-most drive axle. Applicants respectfully submit that the Examiner has misinterpreted what Applicants have admitted to be prior art. The Examiner states that AAPA discloses a snowmobile having a first seat position that “is disposed about 565 mm behind the forward most drive axle.” Applicants direct the Examiner's attention to paragraph 39 of the specification, which states that “the inventors of the present invention define the term ‘seat position’ to point out particular positions on the snowmobile that are adapted to function as the seat position for a standard rider.” They are not random spots on the seat. Figure 8 clearly indicates that the distance between the first seat position, as defined by the inventors of the present invention, and the forward most drive axle of the AAPA snowmobile is 905 mm. Accordingly, AAPA does not show a first seat position, which is disposed less than 590 mm behind the forward most drive axle, as is claimed in claims 1, 26, 77, 92, and 100.

Claims 14 and 40 recite, either directly or through reference to their respective independent claims, first, second, and third seat positions, wherein “the third seat position is disposed behind the second seat position by between 285 and 370 mm.” As explained above,

the Examiner has misinterpreted AAPA. The straddle-type seat shown in AAPA does not show a third seat position, as defined by the inventors of the present invention. Figure 1 shows only first and second seat positions defined by the inventors of the present invention. It would be impossible to seat a third person at a third seat position on the AAPA snowmobile because the missing third seat position would be behind the back end of the seat. Accordingly, AAPA fails to teach “a third seat position on the seat, wherein the third seat position is disposed behind the second seat position be between 285 and 370 mm.”

Claims 26, 84, 92, and 104 recite, among other limitations, “a forward-most drive track axle disposed on the frame” and “a steering device having a steering position,” wherein “the steering position is disposed forward of the forward-most drive track axle.” The Examiner asserts that these recitations are disclosed in AAPA. Applicants submit that the Examiner has misinterpreted AAPA with respect to the “steering position.” Applicants direct the Examiner's attention to paragraph 41, which states:

the steering device 32 has a steering position 34, which is defined by a center of a portion of the steering device adapted to be held by the hands of the rider 26. The steering position 34 is defined when the skis 16 are positioned straightforward. For example, if the steering device 32 comprises handlebars (as illustrated in FIG. 2), the steering position 34 is the center of the grips of the handlebars.

The steering position is not a random spot on the steering device as the Examiner asserts. In AAPA, the steering position is disposed rearwardly of the forward-most drive track axle, not “forward of the forward-most drive track axle” as is recited in claims 26, 26, 84, 92, and 104. See FIGS. 1 and 8 and the specification, paragraph 47 (“the steering positions 134 on conventional snowmobiles are positioned behind the forward-most drive 144 axle by 270 mm (see FIGS. 1 and 8)”). Yoshioka does not cure this defect at least because, as is explained below, Yoshioka may not be properly combined with AAPA.

Claims 1, 77, and 84 recite, among other limitations, two skis disposed on the frame and a steering shaft disposed over the engine at an angle  $\epsilon$  of less than 45° from vertical.

Applicants submit that it would not have been obvious to one of ordinary skill in the art to add the steering shaft of the Yoshioka snow vehicle to the two-ski AAPA snowmobile. As is the case with conventional snowmobiles, the two steering skis 116 in the AAPA snowmobile prevent or impede the AAPA snowmobile 110 from leaning into turns. Yoshioka discloses a snow vehicle of the saddle-riding type, which utilizes essentially the same upper structure as a motorcycle but includes a ski on the front fork for steering and an engine-driven endless belt track assembly for powering the device. *See* Yoshioka, col. 1, lines 11-17. Yoshioka focuses on enabling the snow vehicle to lean into turns to improve handling, as is conventional in the motorcycles upon which Yoshioka is based. *See* Yoshioka, col. 2, lines 58-61 (“[i]t is another object of the present invention to provide a saddle-riding type compact snow vehicle, wherein the endless track can readily follow the inclination of the vehicle body”). Yoshioka teaches away from its combination with AAPA because the addition of the Yoshioka steering shaft to a two-ski snowmobile such as AAPA would defeat the object of Yoshioka’s snowmobile (i.e., enabling the snow vehicle to incline into turns).

Moreover, Yoshioka’s motorcycle-based snow vehicle and AAPA’s conventional snowmobile are not properly combinable analogous art because motorcycle frames and snowmobile frames differ substantially from one another. Yoshioka’s snow vehicle’s steering shaft serves both as a steering shaft and as the structural support for the single steering ski. Conversely, in conventional two-ski snowmobiles such as AAPA, the snowmobile structurally supports the two steering skis through a suspension system that is generally distinct from the steering device. One of ordinary skill in the art would not, therefore, have combined the structural steering shaft disclosed in Yoshioka with a conventional snowmobile such as AAPA.

Reconsideration and withdrawal of the rejection of claims 1-21, 24, 26-47, 50, 77-108 under 35 U.S.C. §103(a) over Applicants' Admitted Prior Art, hereafter, AAPA, in view of Yoshioka et al. (U.S. Pat. No. 5,474,146) is respectfully requested.

Claims 22, 23, 25, 48, 49 and 51 are rejected under 35 U.S.C §103(a) as being unpatentable over AAPA in view of Yoshioka et al. as applied to claim 1, 14, 26 and 40 (respectively), and further in view of Atherley (5,944,380).

Atherley discloses a seat 100 having a base section 102 and a seat section 104 removably disposed on the base section 102. *See* col. 5, lines 11-13. There is no disclosure or suggestion in Atherley to provide a seat with a first seat position and a second seat position as defined by the inventors of the present invention. Claims 22, 23, 25, 48, 49 and 51 also recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 1-21, 24, 26-47, 50, 77-108 and for the additional features recited therein. Reconsideration and withdrawal of the rejection of claims 22, 23, 25, 48, 49 and 51 under 35 U.S.C §103(a) as being unpatentable over AAPA in view of Yoshioka et al. as applied to claim 1, 14, 26 and 40 (respectively), and further in view of Atherley (5,944,380) is respectfully requested.

Claims 52-65 and 67-75 are rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Yoshioka and Hisatomi (4,502,560). Independent claim 52 recites, among other limitations, a frame including a tunnel, wherein a "back end of the seat extends behind a rearward-most portion of the frame." Independent claim 67 recites, among other limitations, a frame having a tunnel, wherein a "seat position is disposed behind a rearward-most portion of the frame." Hisatomi discloses a lightweight snowmobile having a suspension arrangement that permits a rider to lean the frame relative to its narrow drive belt. Hisatomi's frame 12 includes a sheet metal snow guard 32 (tunnel) that extends behind a back end of the seat 23. There is no suggestion or disclosure in the art cited by the Examiner

of a back end of the seat (claim 52) or a seat position (claim 67), as defined by the inventors of the present invention, that is disposed behind a rearward-most portion of the tunnel as defined in the present invention.

Claims 53-65 and 68-75 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 52 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 52-65 and 67-75 under 35 U.S.C §103(a) as being unpatentable over AAPA in view of Yoshioka and Hisatomi is respectfully requested.

Claims 66 and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Yoshioka and Hisatomi, and further in view of Atherley. Claims 66 and 76 recite additional features of the invention and are allowable for the same reasons discussed above with respect to their respective base claims 52 and 67 and for the additional features recited therein. Reconsideration and withdrawal of the rejection of claims 66 and 76 under 35 U.S.C §103(a) as being unpatentable over AAPA in view of Yoshioka, Hisatomi and Atherley is respectfully requested.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact undersigned at the telephone number listed below.

Respectfully submitted,

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claim 52, as follows:

52. A snowmobile, comprising:
- a frame including a tunnel;
  - an engine disposed on the frame;
  - a drive track disposed below the tunnel and connected operatively to the engine for propulsion of the snowmobile;
  - two skis disposed on the frame;
  - a steering device disposed on the frame and operatively connected to the two skis for steering the snowmobile; and
  - a straddle-type seat disposed on the frame, wherein a back end of the seat extends behind a rearward-most portion of the frame.

End of Appendix